

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

JEREMY MEYERS, individually, and
on behalf of all other similarly situated,

Plaintiffs,

vs.

Case No.: 15-CV-444

NICOLET RESTAURANT OF DE
PERE, LLC, a Wisconsin limited
liability company,

Defendant.

NOTICE OF MOTION AND DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 56 defendant Nicolet Restaurant of De Pere, LLC ("Nicolet"), by its attorneys, Nash, Spindler, Grimstad & McCracken LLP, will move the Court at the United States Courthouse for the Eastern District of Wisconsin, 125 Street Jefferson Street, Green Bay, Wisconsin, 54301, at a date and time set by the Court, for summary judgment in its favor as well as dismissal of the plaintiff's complaint on the merits with prejudice, because, there are no disputed issues of material fact that Nicolet did not willfully violate FACTA when it provided the Plaintiff, Jeremy Meyers, a receipt that displayed the credit card's expiration date. In the alternative, there are no disputed issues of material fact that claims arising out of receipts supplied by Nicolet before April 14, 2013, are barred by the statute of limitations.

The motion is supported by all the pleadings and papers on file with the Court and the accompanying Memorandum in Support of Defendant's Motion for Summary Judgment and Statement of Proposed Undisputed Facts.

Dated this 22nd day of February, 2016.

NASH, SPINDLER, GRIMSTAD & McCRACKEN LLP

/s/ Ryan R. Graff

Ryan R. Graff

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